IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

Bail Appl..No. 2165 of 2007(T)

CRIME NO.67/2007 OF KANKIKUZHY POLICE STATION

PETITIONER

TOMY @ ZAVIER,
S/O MATHAI, AGED 37 YEARS,
CHELACHUVADU, KANIJIKUZHY, IDUKKI

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

STATE OF KERALA, REP BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, EKM

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2165/2007

Dated this 12th day of April, 2007

O R D E R

The petitioner, who is the fourth accused in Crime.No.67/2007 of Kanjikuzhy police station for offences punishable under Sections 353 and 225 IPC read with Section 34 IPC seeks anticipatory bail.

2. The case of the prosecution is that when the police party had arrested the first accused, one Joy, for having committed an abkari offence punishable under Section 55(i), the petitioner and others rescued the said Joy by attacking the police party.

3. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate having jurisdiction and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed. The Magistrate may also consider whether

the offence punishable under Section 55(i) of the Abkari Act could be saddled on the petitioner against whom there is no such allegations.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs